THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.11910 OF 1996
Date: 28th day of November,2006.

Between:
1.Aba Rao and another

Petitioners

And
District Collector, Adilabad and three others

Respondents

THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No. 11910 OF 1996

ORDER:

1. This writ petition has been instituted by the petitioners calling in question the correctness of the orders passed by the Revenue Divisional Officer, Nizamabad, vide proceedings dated 18-03-1996, wherein the Revenue Divisional Officer has declined to grant the occupancy rights in favour of the petitioners over land of an extent of Ac.13.23 guntas situate in Survey No.13 of Bholsa village. 2. The claim of the writ petitioners was that they are the tenants of the Archaka of the nearby Gnana Saraswathi Temple, at Basar and that their application had been kept pending till such time the Amendment Act 19 of 1994 of Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 has been brought into force and after that amendment, the occupancy rights have been rejected on the ground that the religious endowments are taken out of the purview of enactment. The Revenue Divisional Officer has contested the matter and filed a detailed counter and so did the temple. It has been asserted that the petitioners have been validly and lawfully dispossessed of the land on 24.05.1996 i.e. prior to the institution of the writ petition itself. It has been specifically asserted that the Mandal Revenue Officer had taken possession of the land on 24th May,1996 under the cover of a properly prepared panchanama and that the possession of the land was initially handed over to the Village Administrative Officer concerned. The counter affidavit has further stated that upon request made by one Sharath Patak son of Sri Digamber Patak who is said to be the son of the original inamdar Smt. Anasuya Bai, proceedings have been initiated for putting into possession of the land and that vide separate proceedings dated 14.06.1996, the Inamdar, that is, the present Archaka of the temple has been

granted the permanent occupancy certificate. The learned counsel for the writ petitioner mounted an attack on these proceedings pointing out that while resuming possession of the land in question from the writ petitioners the same cannot be restored in favour of the original Inamdar or in favour of those who succeed in interest, but on the other hand, the institution in whose favour endowment has been created ought to have granted the permanent patta and occupancy rights. Since the present writ petitioner has been filed against the proceedings dated 18-3-1996 the validity and legality of the proceedings of the Revenue Administration dated 14-06-1996 granting permanent occupancy certificate in favour of the Archak of the temple cannot be gone into in this writ petition. It is certainly a matter for the institution to agitate about it. The learned standing counsel for the Temple has pointed that this issue has been taken up with the Revenue Divisional Officer, Nirmal, who in turn passed orders on 4-9-2002 directing the Mandal Revenue Officers of Bhainsa, Tanoor and Mudhole to verify the Revenue records for entering the names of the “Religious Institutions” to be recorded in Pattedari and occupant columns of the Phahanies. Further the learned standing counsel has also appraised the measures adopted by the Temple to lease out the lands. Thus the interests of the Institutions are sought to be protected adequately.

2. With these observations, since the writ petitioners have been dispossessed of the lands in question long backand third parties interest crept in, the writ petition is dismissed. No order as to costs.

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28-11-2006

Stp